

**DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

IN REPLY REFER TO
BUPERSINST 1560.21B
PERS-440
29 Dec 2000

BUPERS INSTRUCTION 1560.21B

From: Chief of Naval Personnel
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: LEGISLATIVE (LEGIS) FELLOWS PROGRAM

Ref: (a) DODD 1322.6 of 24 Feb 97 (NOTAL)
(b) CJCS Memo CM-1431-96 of 11 Sep 96 (NOTAL)
(c) DODD 1000.17 of 24 Feb 97
(d) Title 26, U.S.C. as amended (Section 501 of the Internal Revenue Code, of 1986)
(e) DODD 1344.10 of 15 Jun 90
(f) DOD 5500.7-R of Aug 93
(g) Title 10, U.S.C.
(h) OPNAVINST 7000.16A (NOTAL)

Encl: (1) Copy of Enclosure (2) to Reference (a), Guidelines for Avoiding Political Activities
(2) Sample Curriculum Vitae
(3) Sample Privacy Act Release Statement
(4) DD 1556, Request, Authorization, Agreement, Certification of Training and Reimbursement, Section E - Trainee Agreement/Certification (Mar 87)

1. Purpose. To provide information, policy, and procedural guidance for naval officer participation in the Legislative (LEGIS) Fellows program. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. BUPERSINST 1560.21A.

3. Background. Reference (a) sets forth guidelines for all fellowships, scholarships, and grants for DOD personnel, and is the controlling instruction for this program. LEGIS Fellows program educates Navy personnel on the workings of the legislative branch of government. LEGIS Fellows are assigned to follow-on tours in which the education gained by the Fellow will be used. Fellows receive instruction and hands-on experience in a Congressional office through dedicated training and

developmental activities; a full-time assignment (normally for 1 year corresponding with one session of Congress) on the staff of a Senator, Representative, or Congressional Committee; and liaison with Navy Chief of Legislative Affairs and Staff of the Office of Legislative Affairs (OLA).

4. Policy

a. General

(1) LEGIS Fellows program is designed to broaden the experience level and knowledge that naval officers possess in operations and organization of Congress, while enhancing Navy's ability to fulfill its role in national policy development process. Navy benefits from assignment of its personnel to the legislative branch of government by bringing a unique perspective to the process of drafting and passing legislation, and by affording the incumbent opportunity to learn about the legislative process. Accordingly, Navy assigns a high priority to selecting only the most outstanding officers.

(2) Per reference (b), Joint Professional Military Education (JPME) credit (Phase I) will not be granted for completion of the LEGIS Fellows program. Selectees who do not have Phase I JPME are encouraged to enroll in a JPME distance education program.

(3) Participation by naval officers in legislative fellowships by means other than that outlined in reference (a) and this instruction is not authorized. All requests for assignment to officials of Congress must be submitted to OLA via Navy Personnel Command (NAVPERSCOM) (PERS-440C) for advance approval.

(4) Detail of DOD personnel to temporary duty with the legislative branch under conditions not qualifying as a fellowship is controlled by reference (c).

b. Eligibility

(1) Participation is limited to staff, unrestricted and restricted line, service college eligible officers serving in or

selected for promotion to permanent grades of lieutenant commander or commander.

(2) Fellows are expected to demonstrate

(a) sustained exceptional levels of performance and clear potential for future assignments in the most critical billets.

(b) flexibility in work habits.

(c) ability to work in an unstructured environment.

(d) ability to initiate work independently with minimum supervision, direction, or assistance.

(e) an interest in legislative procedures, practices, and techniques.

(3) Competitive selection process focuses on individual performance, promotion potential, academic and subspecialty qualifications, needs of the service, and availability for follow-on duty.

5. Procedures

a. To be considered for selection as a LEGIS Fellow, a letter application containing the following items must be submitted via appropriate chain-of-command to NAVPERSCOM (PERS-440C), 5720 Integrity Drive, Millington, TN 38053-4400.

(1) Nomination statement written by nominee outlining qualifications for selection.

(2) Curriculum Vitae enclosure (2).

(3) Biography.

(4) Current Photograph (Standard used for selection boards).

(5) Signed Privacy Act Release statement permitting access to OSR/PSR and service record enclosure (3).

(6) Signed DD 1556, Request, Authorization, Agreement, Certification of Training and Reimbursement (MAR 87), section E (see enclosure (4)) documenting agreement to remain on active duty upon completion of fellowship for a period of 3 years. Period of obligation must be filled in from: 1 Jan (of the year

after completion of the fellowship) to: 31 Dec (of the year after completion of the fellowship plus 3), enclosure (4).

b. Applications must be received by 31 March of each year.

c. All applications received before the deadline shall be distributed to appropriate assignment officers for review. Each NAVPERSCOM division (PERS-41/42/43/44) shall identify no more than 2 officers to be interviewed by OLA.

d. All applications received before the deadline shall be forwarded to OLA with appropriate comments concerning career timing and availability for assignment to the LEGIS Fellows program. Chief of Legislative Affairs shall interview each of the officers identified by NAVPERSCOM, as well as any officers from within the pool of applicants they identify for further consideration. Interviews shall normally be conducted in late spring.

e. Chief of Legislative Affairs shall forward a list of names to NAVPERSCOM (PERS-440) for approval as LEGIS Fellow nominees. Number of officers selected by OLA may vary from year to year depending on the needs of Navy; however, the number of officers forwarded to NAVPERSCOM (PERS-440) shall not normally exceed 10. The list of nominees shall be forwarded to Assistant Secretary of Defense (Force Management Policy) (ASD (FMP)) via Assistant Secretary of the Navy (Manpower & Reserve Affairs) (ASN (M&RA)) for final approval.

f. Notification of final selection status shall be made by NAVPERSCOM (PERS-440) and shall normally occur by August of each year.

g. Assignment to LEGIS Fellows program shall begin in December with a mandatory orientation program coordinated by OLA. Assignment to LEGIS Fellows program shall be for 12 months.

6. Obligated Service. Officers participating in the LEGIS Fellows program may not resign or retire from active duty while in the program. Fellows shall agree in writing to serve on active duty following completion or termination of the fellowship for a period of 3 times the duration of the fellowship. This obligation is served concurrently with any other obligated service.

7. Action

a. Officers interested in applying for the LEGIS Fellows program shall complete an application per procedures outlined in the annual LEGIS Fellows program announcement.

b. Officers selected to participate in the program shall familiarize themselves with enclosure (1) and must comply with applicable laws, and references (b) through (h).

c. Office of Legislative Affairs shall ensure a DON-designated Ethics Official or Counselor trains all LEGIS Fellows in the proper conduct with regard to political activity. Enclosure (1) contains guidelines for avoiding political activities and specific references for use by Fellows and supervisors. LEGIS Fellows shall provide a copy of enclosure (1) to supervisors in the gaining organization of the legislative branch to inform supervisors of the restrictions. Fellows shall initiate a discussion of enclosure (1) with their congressional office superior at the beginning of the fellowship period.

d. As the LEGIS Fellows Program Sponsor, OLA shall maintain overall responsibility for program management and compliance with federal regulations and DOD policy. All LEGIS Fellows are administratively assigned for fitness report and other purposes to OLA. LEGIS Fellows may receive "Not Observed" reports for the duration of their fellowships; however, the congressional member's office to which the officer is assigned may recognize outstanding performance and submit a fitness report for concurrent signature by Chief of Legislative Affairs and the member of congress. Office of Legislative Affairs shall meet with LEGIS Fellows periodically to review duties and ensure compliance with references (e) and (f).

8. Funding

a. Parent/local commands shall provide temporary additional duty (TAD) funding for LEGIS program interviews per reference (h), if required.

b. As program resource sponsor, Chief of Naval Operations (CNO) (N79) shall ensure that appropriate levels of funding are programmed to support end-strength, tuition and any training expenses.

9. Reports. Office of Legislative Affairs shall forward a list of Navy officers nominated to participate in the LEGIS Fellows program to ASD (FMP) for approval using format provided in reference (a), enclosure (3).

10. Form. DD 1556, Request, Authorization, Agreement, Certification of Training and Reimbursement (MAR 87) is available on-line at <http://web1.whs.osd.mil/forms/>.

G. L. HOEWING
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

Distribution:
SNDL Parts 1 and 2

E2. ENCLOSURE 2
GUIDELINES FOR AVOIDING POLITICAL ACTIVITIES

E2.1. INTRODUCTION

E2.1.1. This enclosure includes the relevant statutory and regulatory restrictions on political activities for military and DOD civilian personnel selected to serve legislative fellowships or details. It is not intended to be the sole source of restrictions on political activities. Fellows and detailees are encouraged to contact their designated ethics counselor to resolve any question of interpretation.

E2.1.2. Federal law and DOD regulation encourage Federal employees to exercise fully, freely, and without fear of penalty or reprisal, their right to participate in the Nation's political processes to the extent not expressly prohibited by law under 5 U.S.C. 7321 (reference (g)). DOD civilian employees and members of the Armed Forces are encouraged to "carry out the obligations of citizenship to the maximum extent possible," consistent with restrictions imposed by law and regulation. (See DOD 5500.7-R, Section 6-200c (reference (h))); however, the following restrictions on political activities apply.

E2.2. POLITICAL ACTIVITIES OF MILITARY PERSONNEL

E2.2.1. Permitted Activities. Members of the Armed Forces on active duty may:

E2.2.1.1. Register, vote, and express their personal opinions on political candidates and issues, but not as representatives of the Armed Forces;

E2.2.1.2. Encourage other military members to vote, without attempting to influence or interfere with the outcome of an election;

E2.2.1.3. Contribute money to political organizations, parties, or committees favoring a particular candidate or slate of candidates, subject to certain contribution limits (2 U.S.C. 441 (reference (k)));

E2.2.1.4. Attend partisan and nonpartisan political meetings or rallies as spectators, when not in uniform;

E2.2.1.5. Join a political club and attend its meetings, when not in uniform;

E2.2.1.6. Serve as a nonpartisan election official, if such service:

E2.2.1.6.1. Is not performed in uniform;

E2.2.1.6.2. Does not interfere with military duties;
and

E2.2.1.6.3. Is approved by the installation commander;

E2.2.1.7. Sign a petition for legislative action or to place a candidate's name on the ballot, but only in the military member's personal capacity;

E2.2.1.8. Write a letter to the editor expressing personal views on public issues or political candidates;

E2.2.1.9. Display a political bumper sticker on the member's private vehicle.

E2.2.2. Prohibited Activities

E2.2.2.1. Statutory Restrictions. Members of the Armed Forces on active duty generally may not campaign for, or hold, elective civil office in the Federal Government, or the government of a State, territory, the District of Columbia, or any political subdivision thereof under 10 U.S.C. 973 (reference (d)), except:

E2.2.2.1.1. Officers on active duty may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation. (See Section 973(c) of reference (d); and DOD Directive 1344.10, Change 1, paragraph 4.3.1. (reference (i)).)

E2.2.2.1.2. If circumstances warrant, the Secretaries of the Military Departments or their designees may permit members on active duty to file for elective office, but such permission does not authorize prohibited partisan political activity.

E2.2.2.2. Regulatory Restrictions

E2.2.2.2.1. Political activities of members of the Armed Forces are governed by reference (i), as implemented by the Military Departments. The Hatch Act Reform Amendments and the implementing Office of Personnel Management regulations do not apply to members of the Uniformed Services. (See 5 U.S.C. 7322(1) (reference (g)) and 5 CFR 734.101 (reference (f)).)

E2.2.2.2.2. DOD Directive 1344.10 (reference (i)) applies to members of the Armed Forces on active duty. "Active duty" means full-time duty in an active Military Service, regardless of duration or purpose, including full-time training duty; annual training; attendance at Service schools while in the active Military Service; and full-time National Guard duty. Reference (i) does not apply to members of the Armed Forces while performing inactive duty training or State active duty.

E2.2.2.2.3. Members of the Armed Forces on active duty MAY NOT:

E2.2.2.2.3.1. Participate in partisan political management, campaigns, or conventions (e.g., by writing and publishing partisan articles that solicit votes for or against a political party or candidate; serving with or sponsoring a partisan political club; speaking before partisan political gatherings; participating in partisan political radio or television shows; conducting political opinion surveys for partisan political groups; distributing partisan political literature; participating in partisan political parades; or displaying large political signs, banners, or posters on a private vehicle);

E2.2.2.2.3.2. Be assigned to perform duties in the Legislative or Judicial Branch, except under a fellowship, scholarship, or grant approved by ASD(FMP) under this directive

for a specific duration, to perform work that does not involve partisan political activities;

E2.2.2.2.3.3. Be assigned to perform duties in the Legislative or Judicial Branch, except under a detail for a specific duration, to work on a specific project or projects of DOD interest not involving partisan political activities, and as a member of a staff of a Committee of the Congress under DOD Directive 1000.17;

E2.2.2.2.3.4. Use contemptuous words against the President, Vice President, Congress, the Secretaries of Defense and Transportation, or the Military Departments, or the governors or legislatures of any State or territory where the military member is on duty. (See 10 U.S.C. 888, reference (d));

E2.2.2.2.3.5. Engage in fund-raising activities for partisan political causes on military reservations or in Federal offices or facilities;

E2.2.2.2.3.6. Attend partisan political events as an official representative of the Armed Forces; or

E2.2.2.2.3.7. Campaign for, or hold, elective civil office, except as discussed in paragraph E2.2.1.3. of this enclosure, above.

E2.2.2.3. DOD Directive 1344.10 (reference (i)) does not restrict participation in local nonpartisan political campaigns, initiatives, or referendums (i.e., activities that do not involve candidates or issues specifically identified with National or State political parties or associated organizations) provided the member:

E2.2.2.3.1. Does not participate while in uniform;

E2.2.2.3.2. Does not use Government facilities or resources;

E2.2.2.3.3. Avoids activities that interfere with his or her official duties that are likely to discredit the Armed Forces, or imply that the Department of Defense has taken an official position on, or is otherwise involved in, the local campaign or issue.

E2.2.2.4. The "spirit and intent" of reference (i) prohibits any activity that may be viewed as directly or indirectly associating the Department of Defense with a partisan political cause or candidate.

E2.3. POLITICAL ACTIVITIES OF DOD CIVILIAN EMPLOYEES

E2.3.1. Permissible activities. All DOD civilian employees may:

E2.3.1.1. Run for public office in nonpartisan elections;

E2.3.1.2. Register and vote as they choose;

E2.3.1.3. Assist in voter registration drives;

E2.3.1.4. Express opinions about candidates and issues;

E2.3.1.5. Contribute money to political organizations;

E2.3.1.6. Attend political fund-raising functions;

E2.3.1.7. Attend and be active at political rallies and meetings;

E2.3.1.8. Join and be an active member of a political party or club;

E2.3.1.9. Sign nominating petitions;

E2.3.1.10. Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;

E2.3.1.11. Campaign for or against candidates in partisan elections; ¹

E2.3.1.12. Make campaign speeches for candidates in partisan elections; ²

E2.3.1.13. Distribute campaign literature in partisan elections; and³

E2.3.1.14. Hold office in political clubs or parties. (See DOD 5500.7-R, Section 6-201, reference (h).)

E2.3.2. Prohibited Activities. DOD civilian employees may not:

E2.3.2.1. Use their official authority or influence for the purpose of interfering with or affecting the result of an election. (See Section 7323(a)(1) of 5 U.S.C. (reference (g)) and Section 6-203a of reference (h));

E2.3.2.2. Solicit, accept or receive a political contribution; solicit, accept, or receive uncompensated volunteer services from a subordinate; or allow their official titles to be used in connection with fundraising activities. (See Section 7323(a)(2) of 5 U.S.C. (reference (g)) and Section 6-203b and h of DOD 5500.7-R (reference (h)));

E2.3.2.2.1. This prohibition does not bar civilian employees from soliciting, accepting or receiving a political contribution to a multi-candidate political committee from a fellow member of a Federal labor organization, as long as the solicited employee is not a subordinate, and the activity does not violate the restrictions discussed in Section 7323(a)(2)(C) of reference (g).

E2.3.2.2.2. Civilian employees may receive and accept political contributions in partisan elections held in certain designated communities, including Washington, DC and its suburbs, but soliciting contributions is prohibited even in these designated communities. (See Section 7325 of reference (g) and Section 6-204b of reference (h).)

¹ Additional restrictions, not listed here, may apply to special categories of personnel such as political appointees, Senior Executive Service members, and administrative law judges. Consult your ethics counselor for further information.

² Same as above note.

³ Same as above note.

⁴ Same as above note.

E2.3.2.3. Run for nomination or election to public office in a partisan election, except as an independent candidate in local partisan elections within certain designated communities, as long as candidacy for and service in the civil office will not interfere with the employee's performance of duty or create an actual or apparent conflict of interest. (See Sections 7323(a)(3) and 7325 of reference (g) and Section 6-204 of reference (h).);

E2.3.2.4. Solicit or discourage the political activity of any person who is a participant in any matter before or being carried out by the Department of Defense. (See Section 7323(a)(4) of reference (g) and Section 6-203c of reference (h).);

E2.3.2.5. Engage in political activities (to include wearing political buttons) while on duty; while in a Government-occupied office or building; while wearing an official uniform, badge, insignia, or other similar item; or while using a government vehicle. (See Section 7324(a) of reference (g) and Section 6-203d. through g. and j. of reference (h).);or

E2.3.2.6. Make a political contribution to their employer or employing authority. (See Section 603 of 18 U.S.C. (reference (l)) and Section 6-203k of reference (h).)

E2.4. LOBBYING AND RELATED ACTIVITIES

E2.4.1. The "Anti-Lobbying Act," 18 U.S.C. 1913 (reference (l)), prohibits the expenditure of Federal appropriations in furtherance of grass roots lobbying efforts, where an attempt is made to induce the public to contact Congress and persuade Members to support or oppose pending legislation. Section 1913 of reference (l) does not prohibit agency officials from expressing their views on the merits or deficiencies of legislation, even if their objective is to persuade the public to support the agency's position, as long as they do not urge the public to contact Congress.

E2.4.2. Visits to Installations

E2.4.2.1. Members of Congress (whether or not they are candidates for reelection) may visit installations to receive briefings, tours and informational materials; they will be reminded that they may not use the visit as a campaign vehicle.

E2.4.2.2. Candidates who are not Federal Government officials may be given the same access to the installation as accorded to visitors from general public.

E2.4.2.3. Commanders will inform candidates that while on a military installation all political activities and media events are prohibited.

E2.4.2.4. Media may be allowed photo opportunities to cover arrivals or departures of President, Vice President or Speaker in military aircraft on military installation.

E2.4.3. Involvement in Political Events. DOD policy prohibits Armed Forces involvement in political events, except for provision of Joint Armed Forces color guard for opening ceremonies of the national political conventions. All requests for community relations support (e.g., bands, color guards, personnel and speakers) to political meetings, ceremonies, and like events, whether on or off the installation, must be denied.

SAMPLE CURRICULUM VITAE

FOR OFFICIAL USE ONLY (WHEN FILLED IN)

Commander D. J. Barber, USN 130-30-3000/1110

USS NEVERSAIL (CG-01)
FPO AP 98762-1234
Work Phone Number:
Work Email address:

Home Address:
Home Phone Number:
Home Email address:

Present Position:

Executive Officer

Educational Background:

- BA in Political Science, Magna Cum Laude, University of California at Berkeley, Berkeley, CA, 1978-1982
- MS in National Security Affairs, Strategic Planning, Graduated with Distinction, Naval Postgraduate School, Monterey, CA, 1990-1992

Military Education:

As appropriate

Professional Background:

- 1982 Commissioned NROTC UCAL Berkeley
- 1982-1984 USS DDG, Main Propulsion Assistant
- 1984-1986 USS MSO, Executive Officer/Navigation
- 1986 Naval Destroyer School, Department Head Course, Graduated with Distinction
- 1986-1988 USS DDG, Weapons Officer
- 1988-1990 USS ATF, Commanding Officer
- 1990-1992 Naval Postgraduate School
- 1992-1995 Staff Plans Officer OPNAV Staff, Strategic Concepts Branch (N513) Washington, D.C.
- 1995 USS NEVERSAIL, Executive Officer

Professional Qualification:

- Qualified and Screened for Commander Command at Sea, Surface
- Qualified TAO, SWO, EOOW
- Proven Subspecialty in Politico-Military/Strategic Planning XX28Q

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Awards:

As appropriate

Publication/Articles/Papers:

(If applicable)

Other Relevant Experience:

D. J. BARBER, CDR, USN

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SAMPLE PRIVACY ACT RELEASE STATEMENT

1. Requiring Document: BUPERSINST 1560.21B
2. Sponsor: PERS-440C
3. Title of Requirement: Legislative Fellowship Program
4. Authority: 5 U.S.C. Section 301
5. Principal purpose: To allow access to Officer Summary Record (OSR) and service record for use in the annual Legislative Fellowship selection process.
7. Disclosure is voluntary; however, failure to provide this information may hinder the ability of all necessary parties to adequately access the eligibility of a prospective candidate.

Signature

Date

PRIVACY ACT STATEMENT		
AUTHORITY:	The Government Employees Training Act of 1958 (USC, Title 5, 4101 to 4118), EO 9397, November 1943 (SSN).	
PURPOSE AND USE:	The information on this form is used in the administration of the Federal Training Program. The purpose of this form is to document the nomination of trainees and completion of training; it also serves as the principal repository of personal, fiscal and administrative information about trainees and the programs in which they participate. The form becomes a part of the permanent employment record of participants in training programs and is included in the Government's Central Personnel Data File.	
DISCLOSURE:	Personal information provided on this form is given on a voluntary basis. Failure to provide this information, however, may result in ineligibility for participation in training programs.	
SECTION E - TRAINEE AGREEMENT / CERTIFICATION		
38. AGREEMENT TO CONTINUE IN SERVICE		
<i>This agreement applies to all non-government training that exceeds 80 hours (or such other designated period, 80 hours or less, as prescribed by the agency) and for which the Government approves payment of training costs prior to the commencement of such training. Nothing contained in this section shall be construed as limiting the authority of an agency to waive, in whole or in part, an obligation of an employee to pay expenses incurred by the Government in connection with the training.</i>		
a. I AGREE that upon completion of the Government sponsored training described in this request, I will serve in the Department of Defense (DoD) three times the length of the training period; except that if I receive no salary for the time spent in training the period of obligated service will be either one month or a period equal to the amount of time spent in training, whichever is greater. (The length of part-time training is the number of hours spent in class or with the instructor. The length of full-time training is eight hours for each day of training, up to a maximum of 40 hours a week.)		
b. If I voluntarily leave the DoD and the Federal service before completing the period of service agreed to in item a above, I AGREE to reimburse the DoD for the tuition and related fees, travel, and other special expenses (EXCLUDING SALARY) paid in connection with my training. However, the amount of the reimbursement will be reduced on a pro rata basis for the percentage of completion of the obligated service. (For example, if the cost of training is \$900 and I complete two-thirds of the obligated service, I will reimburse the DoD \$300 instead of the original \$900.)		
c. If I voluntarily leave the DoD to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed to in item a above, I will give my servicing Civilian Personnel Office or Training Office advance notice during which time, in accordance with Federal regulations, a determination concerning reimbursement or transfer of the remaining service obligation to the gaining agency will be made.		
d. I understand that any amounts which may be due the employing agency as a result of any failure on my part to meet the terms of this agreement may be withheld from any monies owed me by the Government, or may be recovered by such other methods as are approved by law.		
e. I acknowledge that this agreement does not in any way commit the Government to continue my employment.		
f. Period of obligated service:	(1) From (Enter date (YYMMDD))	(2) To (Enter date (YYMMDD))
39. I am not receiving any contributions, awards, or payments in connection with this training, from any other government agency or non-government organization and shall not accept such without first obtaining approval from the authorizing training official. I agree that should I fail to complete the requested training successfully, due to circumstances within my control, I will reimburse the agency for all training costs (excluding salary) associated with my attendance.		
a. TRAINEE SIGNATURE		b. DATE SIGNED